

HOUSE BILL No. 1158

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-34-8-3; IC 33-37.

Synopsis: Small claims and civil actions. Specifies that the 25% of the judicial salaries fees collected by a Marion County small claims court that is not deposited in the state general fund must be deposited in the general fund of the township in which the small claims court is located. Provides that the small claims service fee and civil action service fee do not apply to garnishee defendants.

Effective: July 1, 2006.

Richardson

January 5, 2006, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

HOUSE BILL No. 1158

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-34-8-3, AS AMENDED BY P.L.176-2005,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 3. (a) Payment for all costs made as a result of
4 proceedings in a small claims court shall be to the _____ County
5 Small Claims Court _____ Division (with the name of the county and
6 township inserted). The court shall issue a receipt for all money
7 received on a form numbered serially in duplicate. All township docket
8 fees and late fees received by the court shall be paid to the township
9 trustee at the close of each month.
10 (b) The court shall:
11 (1) semiannually distribute to the auditor of state:
12 (A) all automated record keeping fees (IC 33-37-5-21)
13 received by the court for deposit in the state user fee fund
14 established under IC 33-37-9;
15 (B) all public defense administration fees collected by the
16 court under IC 33-37-5-21.2 for deposit in the state general
17 fund;



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(C) all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2; and

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited in the township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

SECTION 2. IC 33-37-4-6, AS AMENDED BY P.L.176-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

(1) From the party filing the action:

(A) a small claims costs fee of thirty-five dollars (\$35); and

(B) a small claims service fee of ten dollars (\$10) for each named defendant **that is not a garnishee defendant.**

(2) From any party adding a defendant **that is not a garnishee defendant**, a small claims service fee of ten dollars (\$10) for each defendant **that is not a garnishee defendant** added in the action.

However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) A public defense administration fee (IC 33-37-5-21.2).

(5) A judicial insurance adjustment fee (IC 33-37-5-25).

(6) A judicial salaries fee (IC 33-37-5-26).

(7) A court administration fee (IC 33-37-5-27).

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1 SECTION 3. IC 33-37-5-28, AS ADDED BY P.L.176-2005,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2006]: Sec. 28. (a) Except as provided in subsection (c), this
4 section applies to a civil action in which the clerk is required to collect
5 a civil costs fee under IC 33-37-4-4(a).

6 (b) The clerk shall collect the following:

7 (1) From the party filing the civil action, a service fee of ten
8 dollars (\$10) for each additional defendant **that is not a**
9 **garnishee defendant** named other than the first named defendant.

10 (2) From any party adding a defendant **that is not a garnishee**
11 **defendant**, a service fee of ten dollars (\$10) for each defendant
12 **that is not a garnishee defendant** added in the civil action.

13 (c) This section does not apply to an action in which service is made
14 by publication in accordance with Indiana Trial Rule 4.13.

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